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## SCHEDULES

### SCHEDULE 1 **E+W+S**

Section 5(2).

#### REGULATION OF MANUFACTURE OF AND OTHER MATTERS CONNECTED WITH VETERINARY THERAPEUTIC SUBSTANCES

##### *Substances to which this Schedule applies*

- 1 (1) Subject to the provisions of sub-paragraph (2) below, this Schedule applies—
- (a) to the therapeutic substances specified in paragraph 5 below; and
  - (b) to any other therapeutic substances capable of being used for veterinary purposes which may from time to time be added to that paragraph as being substances the purity or potency of which cannot be adequately tested by chemical means.
- (2) In the case of any substance mentioned in sub-paragraph (1) above which is a substance to which the <sup>M1</sup>Therapeutic Substances Act 1956 applies, this Schedule applies to that substance in so far only as the substance is excluded from the operation of that Act, as being intended to be used solely for veterinary purposes, by regulations made under that Act.

#### Marginal Citations

**M1** 1956 c. 25.

##### *Power to make orders as to substances to which this Schedule applies*

- 2 (1) The Ministers may make orders for the following purposes—
- (a) for adding to paragraph 5 below any therapeutic substance capable of being used for veterinary purposes, the purity or potency of which cannot be adequately tested by chemical means;
  - (b) for prohibiting, except under a licence for the purpose issued by the appropriate Minister and in accordance with any conditions subject to which the licence is issued, the manufacture for sale or the importation into Great Britain of any such substance to which this Schedule applies as may be specified in the order;
  - (c) for prescribing the standard of strength, quality and purity of any substance in respect of which an order made for the purpose last mentioned is in force;
  - (d) for prescribing the tests to be used for determining whether the standard prescribed as mentioned above has been attained;
  - (e) for prescribing units of standardisation;
  - (f) for prescribing the form of licences and of applications for them, and of notices to be given in connection with them;
  - (g) for prescribing the conditions subject to which licences may be issued, including, in the case of a licence to manufacture conditions that the

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manufacture shall be carried on only upon the premises specified in the licence and that the licensee shall allow any inspector authorised by the Minister in that behalf to enter any premises where the manufacture is carried on, and to inspect the premises and plant and the process of manufacture and the means employed for standardising and testing the manufactured substance and to take samples of it;

(h) for prescribing any other matter which under this Schedule is to be prescribed.

(2) The Ministers may make orders as respects any such substance to which this Schedule applies as may be specified in the order—

(a) requiring that, if advertised or sold as a proprietary medicine or contained in such medicine, such accepted scientific name or name descriptive of the true nature or origin of the substance as may be prescribed shall appear on the label;

(b) requiring that the date of the manufacture shall be stated in the prescribed manner on all vessels or other packages in which the substance is sold or offered for sale, and prohibiting the sale of the substance after the expiry of the prescribed period from the date of manufacture;

(c) prohibiting the sale or the offering for sale or the importation of the substance otherwise than in a vessel or other container of such character as may be prescribed, and requiring that the prescribed label or other description shall be affixed to such vessel or container.

#### *Licences to manufacture*

3 (1) The following provisions shall have effect with respect to licences to manufacture for sale a substance the manufacture of which otherwise than under a licence is prohibited by an order—

(a) the licence shall be issued subject to such conditions as may be prescribed, may extend to all such substances or to such one or more of them as may be specified in the licence, shall continue in force for such period as may be prescribed, but may from time to time be renewed for a like period;

(b) an applicant for a licence or the renewal of a licence must satisfy the appropriate Minister that the conditions under which the substance is to be manufactured by him and the premises in which it is to be manufactured are such as to comply with any order in force for the purposes of paragraph 2 above, and an applicant who so satisfies the appropriate Minister shall be entitled to the grant or renewal of the licence;

(c) the appropriate Minister may revoke a licence or suspend it for such period as he thinks fit, if in his opinion the licensee has failed to comply with the conditions subject to which the licence was issued or with any such order as is mentioned above as to the prescribed standards of strength, quality and purity, and such revocation or suspension may apply to all the substances to which the licence extends or to some one or more of them.

(2) A person who is aggrieved by the revocation or suspension of his licence may, subject to rules of court, appeal to the court, whose decision shall be final.

(3) Nothing in any order prohibiting or regulating the manufacture for sale of any substance to which this Schedule applies shall apply to the preparation by a registered veterinary surgeon or practitioner—

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- (a) for the treatment of any animal under his care, or
  - (b) for and at the request of another such surgeon or practitioner,
- of any such substance, if it is specially prepared with reference to the condition and for the treatment of an individual animal or bird.

(4) In this paragraph—

“the court” means, as respects England and Wales, the High Court and, as respects Scotland, the Court of Session, and

“registered” means, in relation to a veterinary surgeon, registered in pursuance of the <sup>M2</sup>Veterinary Surgeons Act 1966 in the register of veterinary surgeons and, in relation to a veterinary practitioner registered in pursuance of that Act in the Supplementary Veterinary Register.

#### Marginal Citations

M2 1966 c. 36.

#### *Licences to import*

- 4 The issue of a licence to import a substance the importation of which otherwise than under a licence is prohibited by an order shall be subject to such conditions, including conditions as to the strength, quality and purity of the substance and as to the suspension or revocation of the licence, as may be prescribed.

#### *Therapeutic substances to which this Schedule applies*

- 5 The therapeutic substances mentioned in paragraph 1(1)(a) above are—
- (1) The substances commonly known as vaccines, sera, toxins, antitoxins and antigens.
  - (2) The substance commonly known as salvarsan (Dioxydiamino-arseno-benzol-dihydrochloride), and analogous substances used for the specific treatment of infective disease.
  - (3) Extract of the pituitary body.

#### *Offences under this Schedule*

- 6 A person who—
- (a) contravenes or fails to comply with any condition subject to which any such licence as is mentioned in this Schedule is issued,
  - (b) sells or offers for sale or has in his possession for sale any substance to which this Schedule applies knowing it to have been manufactured or imported in contravention of an order in force for any of the purposes of paragraph 2 above,
  - (c) contravenes or fails to comply with the provisions of any such order as is mentioned above,

is liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale] or in the case of a second or subsequent conviction, to such a fine or to imprisonment for a term not exceeding 2 months, and in either case to forfeit any goods in connection with which the offence was committed, and without prejudice,

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if the offender is the holder of a licence, to the power of the appropriate Minister to revoke or suspend the licence.

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

#### Modifications etc. (not altering text)

- C1** Sch. 1 para. 6: [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions) applies (E.W.)
- C2** Sch. 1 para. 6: [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289E** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#)), **s. 54** (in relation to liability on first and subsequent convictions), applies (S.)

## SCHEDULE 2 E+W+S

Section 10.

### SPECIFIC MATTERS WITH RESPECT TO WHICH PROVISION MAY BE MADE IN ORDERS UNDER SECTION 10

- 1 The conditions to be observed before, during and after importation.
- 2 Exemptions from provisions of the order by means of licences, whether general or specific and whether conditional or unconditional, issued in accordance with the order.
- 3 The prohibition of the importation of animals or other things save at such ports, aerodromes and other places of entry as may be designated.
- 4 Landing and quarantine of animals and other things.
- [<sup>F2</sup>4A The premises at which animals and other things are to be kept in quarantine in pursuance of the order and the welfare of the animals kept in such premises.]

#### Textual Amendments

- F2** Sch. 2 para. 4A inserted (21.7.1998) by [1998 c. 13, ss. 1, 2\(2\)](#)

- 5 Seizure, detention and treatment of animals and other things.
- 6 Slaughter of animals and destruction of other things.
- 7 Cleansing and disinfection.
- 8 Marking, testing and use of animals and other things.
- 9 Movement of persons and of animals and other things.
- 10 Recovery of costs.
- 11 Inspection.
- 12 Entitlement to compensation and the determination, subject to the Treasury's approval, of the amount of compensation payable in any case.

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## [<sup>F3</sup>SCHEDULE 2A **E+W**

### SPECIFIED DISEASES

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#### Textual Amendments

**F3** Sch. 2A inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 12\(2\)](#); [S.I. 2002/3044, art. 2](#)

Foot-and-mouth disease  
Swine vesicular disease  
Peste des petits ruminants  
Lumpy skin disease  
Bluetongue  
African horse sickness  
Classical swine fever  
Newcastle disease  
Vesicular stomatitis  
Rinderpest  
Contagious bovine pleuropneumonia  
Rift Valley fever  
Sheep pox and goat pox  
African swine fever  
Highly pathogenic avian influenza.]

## [<sup>F4</sup>SCHEDULE 2B **S**

(introduced by section 28I)

### SPECIFIED DISEASES: SCOTLAND

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#### Textual Amendments

**F4** Sch. 2B inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), ss. 9\(2\), 55\(1\)](#) (with [s. 54](#)); [S.S.I. 2006/482, art. 2](#)

African horse sickness  
African swine fever  
Bluetongue  
Bovine brucellosis  
Classical swine fever  
Contagious bovine pleuropneumonia  
Foot-and-mouth disease  
Highly pathogenic avian influenza  
Lumpy skin disease  
Newcastle disease  
Peste des petits ruminants  
Rift Valley fever  
Rinderpest

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Sheep pox and goat pox  
 Swine vesicular disease  
 Vesicular stomatitis.]

SCHEDULE 3 **E+W+S**

Section 31.

POWER TO SLAUGHTER IN RELATION TO CERTAIN DISEASES

*Cattle plague*

- 1 (1) The Minister shall cause to be slaughtered all animals affected with cattle plague.
- (2) Where an animal is or has been in the same shed, stable, herd or flock as, or in contact with, an animal affected with cattle plague, the Minister may, if he is satisfied that the slaughter of the animal is necessary for preventing the spreading of cattle plague, cause the animal to be slaughtered.
- (3) The Minister may, if he thinks fit, in any case cause to be slaughtered—
- (a) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague;
  - (b) any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury by statutory instrument think fit to make).
- (4) The Minister shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation does not in any such case exceed £20; and
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed £40.

*Pleuro-pneumonia*

- 2 (1) The Minister shall cause to be slaughtered all cattle affected with pleuro-pneumonia.
- (2) The Minister may, if he thinks fit, in any case cause to be slaughtered—
- (a) any cattle suspected of being affected with pleuro-pneumonia; and
  - (b) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Minister to have been in any way exposed to the infection of pleuro-pneumonia.
- (3) The Minister shall for cattle slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three-fourths of the value of the animal immediately

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- before it became so affected, but so that the compensation does not in any such case exceed £30; and
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed £40.
- (4) Where the Minister has decided that any head of cattle is to be slaughtered under this paragraph, the Minister shall, if the owner of such head of cattle by notice in writing so requires cause the same to be slaughtered within 21 days after the receipt of the notice.

*Foot-and-mouth disease*

- [<sup>F5</sup>2A. (1) This paragraph applies to any premises which are declared by the relevant authority to be infected premises under any provision which gives effect in relation to England or Wales to Council Directive [2003/85/ EC](#) of 29 September 2003 on Community measures for the control of foot-and-mouth disease .
- (2) Subject to sub-paragraphs (3) and (5), the relevant authority must cause to be slaughtered all susceptible animals kept on the premises.
- (3) The relevant authority may decide not to slaughter susceptible animals kept in—
- (a) a laboratory, zoo, wildlife park or other premises where animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting; or
  - (b) premises not falling within (a) of a body, institute or centre which—
    - (i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
    - (ii) is approved by the relevant authority in relation to those animals in accordance with any provision which gives effect in relation to England or Wales to Article 13(2) of Council Directive [92/65/ EEC](#) of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive [90/425/ EEC](#) ; or
  - (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.
- (4) Before considering a decision not to slaughter susceptible animals under sub-paragraph (3), the relevant authority must be satisfied that—
- <sup>F6</sup>(a) .....
  - (b) adequate measures are in place to prevent any risk of spreading foot-and-mouth disease virus.
- (5) If the premises consist of two or more separate production units (by virtue of a declaration under sub-paragraph (6)), the relevant authority may decide not to slaughter susceptible animals kept on free units of those premises.
- (6) The relevant authority may by notice served on the occupier declare in respect of any premises that those premises are to be regarded as two or more separate production units.

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- (7) A declaration under sub-paragraph (6) shall not be made unless the Chief Veterinary Officer has advised the relevant authority at the time of a veterinary inquiry into the premises that in her opinion—
- (a) the structure, including the administration, and size of the premises allow in each separate unit for a complete separation of housing and keeping (including air space) for their susceptible animals;
  - (b) the operations on each separate unit, and in particular stable and pasture management, milking, feeding, and removal of dung or manure are completely separated and carried out by different personnel;
  - (c) the machinery, non-susceptible working animals, equipment, installations, instruments and disinfection facilities used in each separate unit are completely separate; and
  - (d) each of paragraphs (a)-(c) has applied continuously for at least—
    - (i) 28 days immediately prior to the earliest date on which the premises were infected with foot-and-mouth disease, if only bovine animals or swine have been kept on the premises within that period, or
    - (ii) 42 days immediately prior to that date, in any other case.
- (8) A declaration under sub-paragraph (6) shall identify, and designate the boundaries of, each separate unit and shall declare every separate unit which is free of disease to be a free unit.
- (9) A unit shall cease to be a free unit if the relevant authority serves a notice on the occupier—
- (a) varying the declaration in respect of it under sub-paragraph (6) such that it is no longer declared to be a free unit; or
  - (b) revoking that declaration.
- (10) The relevant authority shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected;
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.
- (11) In this paragraph—
- “Chief Veterinary Officer” means the Chief Veterinary Officer appointed by the relevant authority;
- “relevant authority” means—
- (a) in relation to premises in England, the Secretary of State,
  - (b) in relation to premises in Wales, the National Assembly for Wales, and
  - (c) in relation to premises which are situated partly in England and partly in Wales, either the Secretary of State or the National Assembly for Wales, as they agree between them (or, in the absence of agreement, the Secretary of State);
- “susceptible animal” means a cow, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant or any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*). ]

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#### Textual Amendments

- F5** Sch. 3 para. 2A inserted (E.W.) (10.1.2006) by [Animal Health Act 1981 \(Amendment\) Regulations 2005 \(S.I. 2005/3475\)](#), regs. 1(2), 2
- F6** Sch. 3 para. 2A(4)(a) omitted (31.12.2020) by virtue of [The Farriers and Animal Health \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/457\)](#), regs. 1(1), 5(3); 2020 c. 1, Sch. 5 para. 1(1)

- 3 (1) The Minister may, if he thinks fit, in any case<sup>[F7]</sup>also] cause to be slaughtered—
- (a) any animals affected with foot-and-mouth disease, or suspected of being so affected <sup>[F8]</sup>and];
  - (b) any animals which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with foot-and-mouth disease, or which appear to the Minister to have been in any way exposed to the infection of foot-and-mouth disease.
  - <sup>[F9]</sup>(c) any animals the Secretary of State thinks should be slaughtered with a view to preventing the spread of foot-and-mouth disease.]
- <sup>[F10]</sup>(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not animals—
- (a) are affected with foot-and-mouth disease or suspected of being so affected;
  - (b) are or have been in contact with animals so affected;
  - (c) have been exposed to the infection of foot-and-mouth disease;
  - (d) have been treated with vaccine against foot-and-mouth disease.]
- (2) The Minister shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected;
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

#### Textual Amendments

- F7** Word in Sch. 3 para. 3(1) inserted (E.W.) (10.1.2006) by [Animal Health Act 1981 \(Amendment\) Regulations 2005 \(S.I. 2005/3475\)](#), regs. 1(2), 3
- F8** Word omitted (E.W.) (14.1.2003) by virtue of [2002 c. 42, s. 1\(2\)](#); [S.I. 2002/3044, art. 2](#)
- F9** Sch. 3 para. 3(1)(c) inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 1\(2\)\(c\)](#); [S.I. 2002/3044, art. 2](#)
- F10** Sch. 3 para. 3(1A) inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 1\(3\)](#); [S.I. 2002/3044, art. 2](#)

#### *Swine-fever*

- 4 (1) The Minister may, if he thinks fit, in any case cause to be slaughtered—
- (a) any swine affected with swine-fever, or suspected of being so affected; and
  - (b) any swine which are or have been in the same field, pig-sty, shed, or other place, or in the same herd, or otherwise in contact with swine affected with swine-fever, or which appear to the Minister to have been in any way exposed to the infection of swine-fever.

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- (2) The Minister shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with swine-fever, the compensation shall be one half of the value of the animal immediately before it became so affected;
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

**Modifications etc. (not altering text)**

- C3** Sch. 3 para. 4 restricted (14.8.2014) by [The Diseases of Swine Regulations 2014 \(S.I. 2014/1894\)](#), regs. 1(1)(c), **43(2)** (with reg. 4(1))

*Diseases of poultry*

- 5 (1) The Minister may, if he thinks fit, cause to be slaughtered—
- (a) any diseased or suspected poultry; [<sup>F11</sup>or]
  - (b) any poultry which are or have been in the same field, pen, shed or other place as, or otherwise in contact with, diseased poultry or which appear to the Minister to have been in any way exposed to the infection of disease.
  - [<sup>F12</sup>(c) any poultry the Secretary of State thinks should be slaughtered with a view to preventing the spread of avian influenza or Newcastle disease.]
- [<sup>F13</sup>(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not poultry—
- (a) are affected with avian influenza or Newcastle disease or suspected of being so affected;
  - (b) are or have been in contact with poultry so affected;
  - (c) have been exposed to the infection of avian influenza or Newcastle disease;
  - (d) have been treated with vaccine against avian influenza or Newcastle disease.]
- (2) The Minister shall for poultry, other than diseased poultry, slaughtered under this paragraph pay compensation, which shall be the value of the bird immediately before it was slaughtered.
- (3) The Minister may by order prescribe the payment of compensation in accordance with a scale approved by the Treasury for diseased poultry slaughtered under this paragraph, being poultry affected with any disease other than fowl pest in any of its forms, including Newcastle disease and fowl plague.

**Textual Amendments**

- F11** Word in Sch. 3 para. 5(1)(a) deleted (E.W.) (11.7.2003) by [Avian Influenza and Newcastle Disease \(England and Wales\) Order 2003 \(S.I. 2003/1734\)](#), arts. 1, **4(2)**
- F12** Sch. 3 para. 5(1)(c) inserted (E.W.) (11.7.2003) by [Avian Influenza and Newcastle Disease \(England and Wales\) Order 2003 \(S.I. 2003/1734\)](#), arts. 1, **4(3)**
- F13** Sch. 3 para. 5(1A) inserted (E.W.) (11.7.2003) by [Avian Influenza and Newcastle Disease \(England and Wales\) Order 2003 \(S.I. 2003/1734\)](#), arts. 1, **4(4)**

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## [<sup>F14</sup>SCHEDULE 3A S

(introduced by section 32E)

### POWER OF SLAUGHTER FOR PREVENTING SPREAD OF DISEASE: SCOTLAND

#### Textual Amendments

**F14** Sch. 3A inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), ss. 1\(2\), 55\(1\)](#) (with s. 54); S.S.I. 2006/482, art. 2

#### *Cattle plague*

- 1 With a view to preventing the spread of cattle plague, the Scottish Ministers may, if they think fit, cause any animals to be slaughtered.

#### *Pleuro-pneumonia*

- 2 With a view to preventing the spread of pleuro-pneumonia, the Scottish Ministers may, if they think fit, cause any cattle to be slaughtered.

#### *Foot-and-mouth disease*

- 3 With a view to preventing the spread of foot-and-mouth disease, the Scottish Ministers may, if they think fit, cause any animals to be slaughtered.

#### *Swine-fever*

- 4 With a view to preventing the spread of swine-fever, the Scottish Ministers may, if they think fit, cause any swine to be slaughtered.

#### *Diseases of poultry*

- 5 With a view to preventing the spread of diseases of poultry, the Scottish Ministers may, if they think fit, cause any animals or birds to be slaughtered.

#### *Additional power of slaughter*

- 6 (1) With a view to preventing the spread of such disease of animals as the Scottish Ministers may by order specify, the Scottish Ministers may, if they think fit, cause to be slaughtered any animals, birds or amphibians of such description as they may so specify.
- (2) A specification of animals under sub-paragraph (1) may include any kind of mammal (except man).
- (3) In sub-paragraph (1), “disease” is not restricted by its definition in this Act.

#### *Exercise of powers of slaughter*

- 7 The Scottish Ministers may, in relation to a disease, exercise a power of slaughter conferred by paragraphs 1 to 6 whether or not the animals, birds or amphibians concerned—
- (a) are affected with the disease or suspected of being affected with the disease;

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- (b) are or have been in contact with animals, birds or amphibians affected with the disease;
- (c) have been in any way exposed to the disease; or
- (d) have been treated with serum or vaccine (or both) against the disease.

#### *Compensation*

- 8 (1) The Scottish Ministers must pay compensation, of such amount as they may prescribe by order, in respect of—
- (a) any animals slaughtered under paragraphs 1 to 5; and
  - (b) any animals—
    - (i) of any kind to which a power of slaughter under those paragraphs relates; and
    - (ii) which are slaughtered by virtue of paragraph 6.
- (2) An order under sub-paragraph (1) may make different provision for different cases or classes of case.
- (3) An order under sub-paragraph (1) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

#### *Orders*

- 9 (1) No order is made under paragraph 6 unless a draft of the order has been laid before, and approved by a resolution of, the Scottish Parliament.
- (2) But where the Scottish Ministers are of the opinion that there exists—
- (a) an outbreak of a disease of animals not specified in or by virtue of paragraphs 1 to 6; or
  - (b) some other emergency relating to a disease of animals,
- sub-paragraph (1) does not apply in relation to the making of an order under paragraph 6.
- (3) Where sub-paragraph (2) applies, an order made accordingly (an “emergency order”) —
- (a) is to be laid before the Scottish Parliament; and
  - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by a resolution of the Parliament.
- (4) However, paragraph (b) of sub-paragraph (3) does not apply in relation to an order which—
- (a) revokes (wholly or partly) an emergency order; and
  - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation.
- (5) In reckoning for the purposes of sub-paragraph (3)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved; or
  - (b) in recess for more than 4 days.

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- (6) Sub-paragraph (3)(b) is without prejudice to anything previously done by reference to an emergency order or to the making of a new emergency order.
- (7) An emergency order must include a description of the emergency in relation to which the order is made.
- (8) In sub-paragraph (2), “disease” is not restricted by its definition in this Act.]

#### SCHEDULE 4 **E+W+S**

Section 38(2).

##### ADDITIONAL PROVISIONS AS TO FOOD AND WATER AT RAILWAY STATIONS

- 1 The food and water, or either of them, provided under section 38(2) above shall be supplied to the animal by the body carrying the animal on the request—
  - (a) of the consignor; or
  - (b) of any person in charge of the animal.
- 2 As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for 24 consecutive hours—
  - (a) the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and
  - (b) it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.
- 3 The Ministers may, if they think fit, by order prescribe any other period, not less than 12 hours instead of the period of 24 hours mentioned above, either generally, or in respect of any particular kind of animals.
- 4 The body supplying food or water under section 38(2) may make in respect of that supply such reasonable charges (if any) as the Ministers by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals.
- 5 The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee of the animal to the body concerned, and shall be recoverable by the body concerned, with costs, by proceedings in any court of competent jurisdiction.
- 6 The body concerned shall have a lien for the amount of that debt on the animal in respect of which the debt accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by that body.

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<sup>X1</sup>SCHEDULE 5 **E+W+S**

Section 96

CONSEQUENTIAL AMENDMENTS

**Editorial Information**

**X1** The text of Schedule 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1 ..... <sup>F15</sup>

**Textual Amendments**

**F15** Sch. 5 para. 1 repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **Sch. 17 Pt. II**

<sup>M3</sup><sup>F16</sup> *Food and Drugs Act 1955*

**Textual Amendments**

**F16** Sch. 5 para. 2 repealed (E.W.) by [Food Act 1984 \(c. 30, SIF 53:1\)](#), **Sch. 11**

**Marginal Citations**

**M3** [1955 c. 16](#). (4 & 5 Eliz. 2.)

2 In section 100(6) of the Food and Drugs Act 1955 for “Diseases of Animals Act 1950” substitute “ Animal Health Act 1981 ” . ]

<sup>M4</sup> *Food and Drugs (Scotland) Act 1956*

**Marginal Citations**

**M4** [1956 c. 30](#).

3 In section 36(6) of the Food and Drugs (Scotland) Act 1956 for “Diseases of Animals Act 1950” substitute “ Animal Health Act 1981 ”.

<sup>M5</sup> *Agriculture (Miscellaneous Provisions) Act 1963*

**Marginal Citations**

**M5** [1963 c. 11](#).

<sup>F17</sup>4 .....

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**Textual Amendments**

**F17** Sch. 5 para. 4 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 1

*<sup>M6</sup>London Government Act 1963*

**Marginal Citations**

**M6** 1963 c. 33.

5 In section 54(3) of the London Government Act 1963 for “Diseases of Animals Act 1950” substitute “ Animal Health Act 1981 ”.

*<sup>M7</sup>Animal Boarding Establishments Act 1963*

**Marginal Citations**

**M7** 1963 c. 43.

6 In paragraph (b) of the proviso to section 5(1) of the Animal Boarding Establishments Act 1963 for “Diseases of Animals Act 1950” substitute “ Animal Health Act 1981 ”.

*<sup>M8</sup>Agriculture Act 1967*

**Marginal Citations**

**M8** 1967 c. 22.

**F18**<sup>7</sup> .....

**Textual Amendments**

**F18** Sch. 5 para. 7 repealed (1.4.2008) by [The Agriculture and Horticulture Development Board Order 2008 \(S.I. 2008/576\)](#), art. 1(3), [Sch. 5 para. 7](#) (with Sch. 4 para. 10)

*<sup>M9</sup>Agriculture (Miscellaneous Provisions) Act 1968*

**Marginal Citations**

**M9** 1968 c. 34.

8 <sup>F19</sup>In section 8(2) of the Agriculture (Miscellaneous Provisions) Act 1968—  
(a) for “section 59 of the Diseases of Animals Act 1950” substitute “ section 50 of the Animal Health Act 1981 ” and

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- (b) for “in subsection (2) the words from ‘and shall’ onwards were omitted” substitute “ paragraph (b)(ii) were omitted from subsection (2) ”.]

**Textual Amendments**

**F19** Sch. 5 para. 8 repealed (E.W.) (1.10.2007 for E., 24.10.2007 for W.) by [Animal Welfare Act 2006 \(c. 45\)](#), s. 68(3), [Sch. 4](#) (with ss. 1(2), 58(1), 59, 60); S.I. 2007/2711, art. 2(b)(ii); S.I. 2007/3065, art. 2(b)(ii)

*<sup>M10</sup>Transport Act 1968*

**Marginal Citations**

**M10** 1968 c. 73

- 9 In paragraph 7(2)(b) of Schedule 16 to the Transport Act 1968 for “section 22 of the Diseases of Animals Act 1950” substitute “ section 38(2) of and Schedule 4 to the Animal Health Act 1981 ”.

*<sup>M11</sup>Agriculture Act 1970*

**Marginal Citations**

**M11** 1970 c. 40.

- 10 In section 106(6) of the Agriculture Act 1970 for “Diseases of Animals Act 1950” substitute “ Animal Health Act 1981 ”.

*<sup>M12</sup>Slaughterhouses Act 1974*

**Marginal Citations**

**M12** 1974 c. 3.

- 11 In the Slaughterhouses Act 1974—
- (a) in section 20(5) for “Diseases of Animals Act 1950” substitute “Animal Health Act 1981” ;
  - (b) in section 35 for “Diseases of Animals Act 1950” substitute “Animal Health Act 1981” ;
  - (c) in paragraph (b) of section 38(2), and in section 39(2), for “Diseases of Animals Act 1950” substitute “Animal Health Act 1981” ;
  - (d) in paragraph (d) of section 40(3) for “section 20 of the Diseases of Animals Act 1950” substitute “paragraphs (a) and (b) of section 7(1), paragraphs (b) to (e) of section 8(1), section 25 and section 37(1) of the Animal Health Act 1981” ;
  - (e) in section 42(3) for “Diseases of Animals Act 1950” substitute “Animal Health Act 1981”.

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### <sup>M13</sup>*Slaughter of Animals (Scotland) Act 1980*

#### Marginal Citations

**M13** 1980 c. 13.

- 12 In the Slaughter of Animals (Scotland) Act 1980—
- (a) in section 13(4) and 15(1) for “Diseases of Animals Act 1950” substitute “ Animal Health Act 1981 ” ;
  - (b) in paragraph (e) of section 16(4) for “section 20 of the Diseases of Animals Act 1950” substitute “ paragraphs (a) and (b) of section 7(1), paragraphs (b) to (e) of section 8(1), section 25 and section 37(1) of the Animal Health Act 1981 ”.

<sup>X2</sup>SCHEDULE 6 **U.K.**

Section 96.

#### REPEALS

#### Editorial Information

**X2** The text of s. 96 and Schedule 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
25 & 26 Geo. 5. c. 31.	Diseases of Animals Act 1935.	The whole Act.
14 Geo. 6. c. 36.	Diseases of Animals Act 1950.	The whole Act.
2 & 3 Eliz. 2. c. 39.	Agriculture (Miscellaneous Provisions) Act 1954.	Section 11. Schedule 2.
4 & 5 Eliz. 2. c. 46.	Administration of Justice Act 1956.	Section 49(2).
10 & 11 Eliz. 2. c. 46.	Transport Act 1962.	In Part I of Schedule 2, the entry relating to the Diseases of Animals Act 1950.
1963 c. 11.	Agriculture (Miscellaneous Provisions) Act 1963.	Sections 13 and 14. Section 16(1). In section 16(3), the words— (a) “the Minister to whom the fee was paid or, as the case maybe,” ; and

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		(b) “he or”.
1963 c. 33.	London Government Act 1963.	In section 54(4), the words “The Diseases of Animals Act 1950”.
		In Part I of Schedule 13, paragraph 1.
1967 c. 22.	Agriculture Act 1967.	Section 66.
1967 c. 80.	Criminal Justice Act 1967.	In Part I of Schedule 3, the entry relating to the Diseases of Animals Act 1950.
1968 c. 67.	Medicines Act 1968.	In Schedule 6, the entry relating to Part II of and Schedule 3 to the Diseases of Animals Act 1950.
1969 c. 28.	Ponies Act 1969.	The whole Act.
1970 c. 40.	Agriculture Act 1970.	Section 105(2) to (5). Section 106(3).
1971 c. 23.	Courts Act 1971.	In Part I of Schedule 9, the entry relating to the Diseases of Animals Act 1950.
1972 c. 62.	Agriculture (Miscellaneous Provisions) Act 1972.	Sections 1 to 3.
1972 c. 68.	European Communities Act 1972.	In Schedule 4, paragraph 7.
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 144(1), (2).
1974 c. 7.	Local Government Act 1974.	In Schedule 6, paragraph 7.
1974 c. 17.	Rabies Act 1974.	The whole Act.
1975 c. 40.	Diseases of Animals Act 1975.	The whole Act.
1976 c. 55.	Agriculture (Miscellaneous Provisions) Act 1976.	Sections 8 to 10.  In Schedule 3, the reference to the Diseases of Animals Act 1950.
1976 c. 63.	Bail Act 1976.	In Schedule 2, paragraph 13.
1977 c. 45.	Criminal Law Act 1977.	Section 55(1) to (3).
1979 c. 2.	Customs and Excise Management Act 1979.	In Part I of the Table of textual amendments in paragraph 12 of Schedule 4, the entry relating to the Diseases of Animals Act 1950.

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**Changes and effects yet to be applied to :**

- s. 37-39 repealed by [2006 c. 45 Sch. 4](#)
- s. 92(3) words substituted by [2007 asp 3 Sch. 5 para. 11](#)
- Sch. 1 para. 6 words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)